

**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F.N.J. NOS. 26101-26200**

*Adulteration*, Section 402(a) (2), the article, in two cases, contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406, and, in seven cases, the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to reduce its quality or make it appear of better quality than it was; Section 406(a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice; and Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical which is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals, as safe for use, had been added to a raw agricultural commodity; and no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; or such tolerance had been prescribed, and the quantity of the pesticide chemical was in excess of the tolerance.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(d), the container of the article was filled so as to be misleading; Section 403(e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents in terms of weight; Section 403(f), a word, statement, or other information required by the Act to appear on the label of the article was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g) (1), the article purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulation, and it failed to conform to such definition and standard; Section 403(i) (1), the article was not subject to the provisions of Section 403(g) and its label failed to bear the common or usual name of the food.

## **CEREALS AND CEREAL PRODUCTS**

### **CORNMEAL\***

**26101. Enriched cornmeal.** (F.D.C. No. 43209. S. No. 50-281 P.)

INFORMATION FILED: 7-17-59, W. Dist. Ky., against Murphy Grain & Milling Co., Inc., Owensboro, Ky., and Joseph A. Murphy and Frank X. Murphy, Jr., vice presidents of the corporation.

SHIPPED: 1-7-59, from Kentucky to Indiana.

LABEL IN PART: (Bag) "2 Lbs. Net Self-Rising Indian Head Enriched Degerminated Corn Meal."

\*See also Nos. 26107, 26111.

**CHARGE:** 402(b) (1)—the valuable constituents, thiamine, riboflavin, iron, and niacin, had been in part omitted and abstracted from the article; 403(a)—the label statement "8 ounces of this product contain the following percentages of the adult minimum daily requirements: Vitamin B<sub>1</sub> 100%, Riboflavin 30%, Iron 65%, and 8 mgs. of Niacin" was false and misleading since 8 ounces of the article contained less than the stated proportions of the minimum daily requirements of the body for vitamin B<sub>1</sub>, riboflavin, and iron, and less than 8 milligrams of niacin; and 403(g) (1)—the article failed to conform to the definition and standard of identity for enriched cornmeal since it contained per pound less than 2.0 milligrams of thiamine (vitamin B<sub>1</sub>), less than 1.2 milligrams of riboflavin, less than 13 milligrams of iron, and less than 16 milligrams of niacin.

**PLEA:** Nolo contendere.

**DISPOSITION:** 9-14-59. Corporation fined \$500; each individual fined \$200, which fine was suspended on condition that the individuals not violate the law for 6 months.

**26102. Cornmeal and flour.** (F.D.C. No. 43862. S. Nos. 75-841/2 P.)

**QUANTITY:** 187 25-lb. bags of cornmeal and 74 25-lb. bags of flour at Batesville, Ark., in possession of J. B. Kramer Candy Co.

**SHIPPED:** 6-10-59 and 8-29-59, from Salina, Kans., and St. Joseph, Mo.

**LIBELED:** 12-4-59, E. Dist. Ark.

**CHARGE:** 402(a) (3)—cornmeal contained rodent urine and rodent excreta pellets and flour contained insects; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 1-20-60. Default—delivered to a charitable institution for use as animal feed.

**FLOUR\***

**26103. Flour.** (F.D.C. No. 43369. S. No. 64-148 P.)

**QUANTITY:** 888 100-lb. bags at Boston, Mass.

**SHIPPED:** 7-6-59, from Alton, Ill.

**LIBELED:** 8-26-59, Dist. Mass.

**CHARGE:** 402(a) (3)—contained insects and insect parts while held for sale.

**DISPOSITION:** 9-3-59. Consent—claimed by Russell-Miller Milling Co., Minneapolis, Minn. Segregated; 601 100-lb. bags denatured and sold for animal feed.

**26104. Flour, Donut mix, bread, and emulsifier.** (F.D.C. No. 43204. S. Nos. 15-443/6 P, 15-451 P, 17-688 P.)

**INFORMATION FILED:** 7-8-59, S. Dist. Ohio, against Milillo Baking Co., Inc., Hamilton, Ohio, and Frank M. Milillo, president.

**ALLEGED VIOLATION:** Between 6-3-58 and 8-15-58, while quantities of flour, Donut mix, and emulsifier were being held for sale after shipment in interstate commerce, the defendants caused such articles to be held in a building that was accessible to rodents and insects and to be exposed to contamination by rodents and insects, which acts resulted in the articles being adulterated.

Between 7-29-58 and 3-11-59, the defendants caused to be shipped from Ohio to Kentucky loaves of bread which were adulterated.

\*See also No. 26102.